

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ROBERT N. SMITHBACK,)	
ID # 1080109,)	
Plaintiff,)	
vs.)	No. 3:07-CV-0288-M
)	ECF
STATE OF TEXAS, et al.,)	
Defendants.)	

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE AND DISMISSING PLAINTIFF'S
MOTION FOR LEAVE TO AMEND, MOTION FOR RELIEF FROM ORDER
AND SUPPLEMENTAL MOTION FOR RELIEF FROM ORDER**

After reviewing the objections to the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and conducting a *de novo* review of those parts of the Findings and Conclusions to which objections have been made, I am of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court. However, this Court reaches the merits of Plaintiff's claims for violations of the Texas Tort Claims Act, and federal claims. In the alternative, the Court would dismiss such claims as a sanction for Plaintiff's disobedience of Court Orders. Further, Plaintiff's Motion for Leave to Amend is **DENIED**.

Pursuant to Plaintiff's request filed on May 7, 2007, the Court **DISMISSES** Plaintiff's Motion for Relief from Order (doc. 8) and Supplemental Motion for Relief from Order (doc. 11).

By separate judgment, the Court will formally dismiss this action, consistent with this Order. The Court will also issue a separate Sanctions Order consistent with the Findings, Conclusions and Recommendation.

SO ORDERED this 24th day of May, 2007.

A handwritten signature in dark ink, appearing to read "Barbara M. G. Lynn", written over a horizontal line.

Barbara M. G. Lynn
UNITED STATES DISTRICT JUDGE